



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Fair Housing Board
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 62-20
<b>Regulation title</b>	Fair Housing Board Certification Regulations
<b>Document preparation date</b>	March 8, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

*Code of Virginia § 54.1-201.5 gives authority to the Fair Housing Board to promulgate regulations. It states, in part, that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board."*

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation enables the Board to fulfill the statutory requirements established in Chapters 2 and 23.2 of Title 54.1 of the *Code of Virginia*. Further, the regulation is necessary to ensure that the Board's statutory requirements are executed in the least burdensome and most efficient and cost effective manner possible while protecting the health, safety, and welfare of the citizens of Virginia.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Shane Sullivan	Mr. Sullivan is the president and principal broker of a professional property management company in VA. It's his belief the regulations for the education-based certification program are an unnecessary burden to small businesses. Federal penalties for fair housing violations serve as an incentive for his company to comply and train its staff without another layer of government involvement. His company trains its staff because it's the right thing to do and will not discriminate with or without the regulations.	The Fair Housing Board is required by Virginia law to establish an education-based certification program. While the certification is not mandatory, if a company has individuals in its organization who fall within the definition of "person in the business of selling or renting dwellings," the voluntary two-hour certification program is designed to increase compliance with fair housing laws.

An informal advisory group was not formed for purposes of assisting in the periodic review.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulation meets the criteria set forth in Executive Order 14 (2010). The regulation establishes the education requirements to receive fair housing certification. The certification is voluntary and does not affect uncertified individuals in the business of selling or renting dwellings. The regulation is clearly written and understandable.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

The agency is recommending that the regulation stay in effect without change.

### Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

---

Code of Virginia § 54.1-201.5 mandates the Fair Housing Board to promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. Moreover, fair housing certification is voluntary, not mandatory. The regulation does not preclude uncertified individuals from being in the business of selling or renting dwellings as defined in the chapter nor does it have an adverse economic impact on small businesses. Rather, the regulation allows individuals who meet specific minimum competencies to receive fair housing certification.

No complaints were received during the public comment period. The regulation is clearly written, easily understandable, and does not overlap, duplicate or conflict with federal or state law or regulation.

The most recent evaluation occurred in 2005.

The Board discussed the regulation and, for the reasons stated in this section, determined that the regulation should not be amended or repealed, but should be retained in its current form.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

---

No impact on the institution of the family and family stability has been identified.